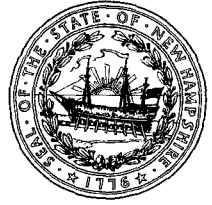




The State of New Hampshire

*Department of Environmental Services*

*Gretchen*



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
WET 06-026**

April 06, 2006

ATA Construction, LLC  
Andre Aho, Manager  
51 Todd Hill Rd  
Rindge, NH 03461

RE: DES Wetlands File #2006-00410 Abbott Hill Rd, Mason

Dear Mr. Aho:

On March 24, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Mason Tax Map B as Lot 22 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A fire pond has been constructed for a subdivision. The pond has been partially constructed in the wetland and approximately 300 square feet of dredge spoils have been deposited in the adjacent wetland. The proposed plans for the subdivision indicate that the pond shall be constructed entirely in the upland.
2. The wetland flags have been removed from the wetland boundary line.
3. A road turnout has been constructed and is encroaching on the wetland boundary.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Include provisions for restoring all wetlands impacts on the Property including any dredge or fill associated with the pond construction and road turnout to the original grade and vegetation. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  1. Existing conditions, depicting original wetland boundaries and encroachment areas;
  2. Proposed conditions after reestablishing the jurisdictional areas; and
  3. Location and means of erosion control and stabilization of the restoration area;
- b. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date. Include a restoration completion date, no later than June 1, 2006.

d. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports including an initial monitoring report following completion of the restoration activities and photo documentation at the end of the 2006 growing season to document successful re-colonization of the wetland vegetation.

**2. Implement the restoration plan only after receiving written approval and as conditioned by DES.**

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Wetlands Compliance Inspector  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8434 2839

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Mason Conservation Commission  
Mason Board of Selectmen  
USACOE